

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS B. EREKSON,	:	CIVIL ACTION NO.
	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ASHFORD PHILADELPHIA ANNEX, LLC	:	
f/n/a CNL PHILADELPHIA ANNEX, LLC,	:	
MARRIOTT INTERNATIONAL, INC.,	:	
COURTYARD MANAGEMENT	:	
CORPORATION, COURTYARD BY	:	
MARRIOTT LIMITED PARTNERSHIP,	:	
COURTYARD BY MARRIOTT II LIMITED,	:	
CMB ONE CORPORATION, CBM TWO	:	
CORPORATION, CBM ONE LLC,	:	
and CBM TWO LLC,	:	
	:	
Defendants.	:	
	:	

**NOTICE OF REMOVAL
ON GROUND OF DIVERSITY CITIZENSHIP**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA:

Defendants Ashford Philadelphia Annex, LLC f/n/a CNL Philadelphia Annex, LLC;
Marriott International, Inc., Courtyard Management Corporation, Courtyard by Marriott Limited
Partnership, Courtyard by Marriott II Limited Partnership, CBM One Corporation (a non-
existent entity), CBM Two Corporation (a non-existent entity), CBM One LLC and CBM Two
LLC respectfully submit the following Notice of Removal to the United States District Court for
the Eastern District of Pennsylvania and in support thereof state as follows:

1. There is a certain action presently pending in the Court of Common Pleas of
Philadelphia County, Pennsylvania, May Term 2012, No. 02772, wherein Thomas B. Erikson is

the Plaintiff and Ashford Philadelphia Annex, LLC f/n/a CNL Philadelphia Annex, LLC, Marriott International, Inc., Courtyard Management Corporation, Courtyard by Marriott Limited Partnership, Courtyard by Marriott II Limited Partnership, CBM One Corporation, CBM Two Corporation, CBM One LLC and CBM Two LLC are named Defendants.

2. On June 4, 2012, Defendant Ashford Philadelphia Annex, LLC f/n/a CNL Philadelphia Annex, LLC received a copy of the Complaint which is attached hereto as Exhibit "A" and by certified mail dated July 20, 2012, Defendants Marriott International, Inc., Courtyard Management Corporation, Courtyard by Marriott Limited Partnership, Courtyard by Marriott II Limited Partnership, CBM One Corporation, CBM Two Corporation, CBM One LLC and CBM Two LLC were purportedly served with a copy of the Complaint. Further, on September 4, 2012, a Case Management Order was issued by the Court, which is attached hereto as Exhibit "B." This constitutes all process, pleadings and orders received by Defendants to date in this action.

3. The above-described action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332, and is one which may be removed to this Court by the Defendants herein pursuant to the provisions of 28 U.S.C. § 1441 *et seq.* in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, to wit:

- (a) Plaintiff is a citizen of the Commonwealth of Pennsylvania;
- (b) Defendant Ashford Philadelphia Annex, LLC f/n/a CNL Philadelphia Annex, LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located in Dallas, Texas;

(c) Defendant Marriott International, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located in Bethesda, Maryland;

(d) Defendant Courtyard Management Corporation is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located in Bethesda, Maryland;

(e) Defendant Courtyard by Marriott Limited Partnership is a limited partnership organized and existing under the laws of the State of Delaware with its principal place of business located in Dallas, Texas and all of the limited partners in Courtyard by Marriott Limited Partnership are organized and existing under the laws of the State of Delaware with principal places of business located in Dallas, Texas;

(f) Defendant Courtyard by Marriott II Limited Partnership is a limited partnership organized and existing under the laws of the State of Delaware with its principal place of business located in Dallas, Texas and all of the limited partners in Courtyard by Marriott II Limited Partnership are organized and existing under the laws of the State of Delaware with principal places of business located in Dallas, Texas;

(g) Defendant CBM One Corporation is a non-existent entity;

(h) Defendant CBM Two Corporation is a non-existent entity;


(i) Defendant CBM One LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located in Dallas, Texas; and

(j) Defendant CBM Two LLC is a limited liability company organized and existing under the laws of the State of Delaware with its principal place of business located in Dallas, Texas.

4. This matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs as admitted by Plaintiff in his Response to Request for Admission, a copy of which is attached hereto as Exhibit "C."

5. This Notice of Removal is being filed within the time period required by law under 28 U.S.C. §1446(b)(3) because it has become removable within 30 days after Defendants' receipt of Plaintiff's Response to Request for Admission which was served on Defendants on September 18, 2012.

WHEREFORE Defendants Ashford Philadelphia Annex, LLC f/n/a CNL Philadelphia Annex, LLC, Marriott International, Inc., Courtyard Management Corporation, Courtyard by Marriott Limited Partnership, Courtyard by Marriott II Limited Partnership, CBM One Corporation (a non-existent entity), CBM Two Corporation (a non-existent entity), CBM One LLC and CBM Two LLC respectfully requests that this action now pending against them in the Court of Common Pleas of Philadelphia County, Pennsylvania be removed therefrom to this Court.


Veronica W. Saltz, Esquire
Wendy Lappin Barragree, Esquire
Attorney I.D. Nos. 52931/80465
SALTZ MATKOV P.C.
993 Old Eagle School Rd., Suite 412
Wayne, PA 19087
(610) 964-3333

Dated: October 11, 2012

Attorneys for Defendants